

United States Bankruptcy Court

Western District of Michigan

One Division Ave., N.
Room 200
Grand Rapids, MI 49503

IN RE: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Duane J. Kraai
8331 Old Channel Trail
Montague, MI 49437
SSN: xxx-xx-6432

Debtor(s)

Case Number 05-14980-jrh

Chapter 7

Honorable Jeffrey R. Hughes

NOTICE OF HEARING CHAPTER 7 TRUSTEE'S MOTION TO SELL REAL ESTATE

The above motion has been filed with the Bankruptcy Court. Your rights may be affected. **You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)**

If you want the court to consider your views on this matter, attend the hearing scheduled to be held before the Hon. Jeffrey R. Hughes on: September 14 , 2006 at 1:30 pm at One Division Ave, N.W., 3rd Floor, Courtroom C, Grand Rapids, MI 49503 .

You or your attorney may wish to file a response explaining your position. Such response should be received at least three business days prior to the scheduled hearing. A copy should also be served upon the party who has filed the motion to his/her attorney. **Please refer to Administrative Order 2004-06 (Mandatory Electronic Filing), effective January 1, 2005, for practices and procedures for filing pleadings with the Court.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

PLEASE NOTE: NOTICE IS HEREBY GIVEN that the court may, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the Clerk's office from the court files or docket.

This Notice has been returned to Lisa E. Gocha . It is Lisa E. Gocha (s/'s) responsibility to ensure that service of this Notice and the referenced Motion is made upon the appropriate parties. (sc)



DANIEL M. LAVILLE
CLERK OF BANKRUPTCY COURT

Dated: August 31, 2006

/S/

Shelli Combs
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

IN RE:

Duane Kraai
Debtors.

Case No. HG 05-14980
Chapter 7
Hon. Jeffrey R. Hughes

MOTION TO SELL REAL ESTATE

NOW COMES the Chapter 7 Trustee, Lisa E. Gocha, and for her Motion to Sell Real Estate, states as follows:

1. That on October 4, 2005, Duane Kraai, ("Debtors") filed for relief under Chapter 7 of the Bankruptcy Code.
2. That Lisa E. Gocha is the duly appointed acting and elected Chapter 7 Trustee for this bankruptcy estate.
3. That the Trustee received an offer to purchase the real estate for the sum of \$173,000.00.
4. The buyer is Elizabeth Mulcahy who has no connection or relationship to the Debtor.
5. The realtor made a determination that the value of the property is no more than the purchase price due to the condition of the property.
6. That it is in the best of this estate and its creditors that the sale of said real estate be approved subject to the following terms and conditions:
 - A. PROPERTY. The real estate is commonly known as 8331 Old Channel Trail, Montague, Michigan ("Property").
 - B. TERMS. That the Property shall be sold "AS IS, WHERE IS" basis without any express or implied warranty of any kind, nature, or description including without limitation any warranty by description or merchantability, usability or fitness of purpose.

All real estate taxes which are a lien against the described real estate shall be paid out of the sale proceeds as an expenses of sale. Any tax which becomes a lien on said real estate after the date of sale

shall be paid by the purchaser. The sale shall be consummated by the delivery to the purchaser of a Trustee's Deed without warranty of title, and the Trustee shall have no obligation to furnish either an abstract of title or title insurance, and any such expenses shall be borne by the purchaser.

The described real estate shall be sold free and clear of all liens, encumbrances, and/or claims therein, with said liens, encumbrances, and/or claims attaching to the sale proceeds, in the same order of validity, rank and priority as exist in the said real estate. **Any and all liens, claims and encumbrances shall be discharged with a copy of a subsequent Order Confirming Sale entered by this Court is recorded along with the Trustee's Deed in the Register of Deeds office.**

The expenses of custody, protection, insurance of the property, as well as expenses of sale including administrative and all legal expenses of these proceedings relating to the protection and sale of said property shall be charged against the sale proceeds with priority over all claims.

C. REALTORS COMMISSION. The offer which the Trustee has received is subject to a commission of seven (6%) percent to be paid to Nexes Realty. Realtor conditioned on the consummation of the sale.

8. The Court shall serve this Motion on the Buyers List.

9. Pursuant to the Judgment of Divorce, Karen Kraai, has a an interest in the Property; however, Ms. Kraai did not perfect her interest by filing the Judgement with the register of deeds prior to the filing of Debtor's Bankruptcy Petition.

10. The Trustee believes Karen Kraai's interest in the Property to be avoidable, but will hold the sale proceeds from the Property until this Court makes a ruling on the Ms. Kraai's rights in the proceeds from the sale or until an agreement is reached between the parties.

WHEREFORE, the Trustee requests that this Court enter an Order confirming the sale of the within real estate on the terms and conditions set forth above, to buyers, for the sum of \$173,000.00.

Dated: August 30, 2006

/s/ Lisa E. Gocha
Lisa E. Gocha
Chapter 7 Trustee
675 E. 16th Street, Ste. 255
Holland, MI 49423